

CIVIL COVER SHEET

15-cv-5773

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff PHILADELPHIA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
PATRICIA S. COATES, ESQ.
1700 SAWSOM STREET, STE 801
PHILA, PA 19103

DEFENDANTS

County of Residence of First Listed Defendant PHILADELPHIA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

§ 1981 AND § 1983

Brief description of cause:

PLAINTIFF WAS RACIALLY DISCRIMINATED AGAINST BY DEFENDANTS

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/26/15

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

061 2 0015

MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 220 E. MERMAID LANE, UNIT T-201, PHILADELPHIA, PA 19118

Address of Defendant: 1046 MARKET STREET, PHILADELPHIA, PA 19107

Place of Accident, Incident or Transaction: CVS PHARMACY, 1046 MARKET STREET, PHILADELPHIA, PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, PATRICIA S. COATES, ESQ., counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 10/26/15

PATRICIA S. COATES

Attorney-at-Law

77747

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/26/15

PATRICIA S. COATES

Attorney-at-Law

77747

Attorney I.D.#

OCT 2 2015

OCT 26 2015

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

v.

:
:
:
:
:
:

15 57073

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>10/26/15</u> Date	<u>PATRICK S. COATES, ESQ.</u> Attorney-at-law	<u>EDDIE WILLIAMS, PLAINTIFF</u> Attorney for
<u>(215) 557-7038</u> Telephone	<u>(215) 557-7041</u> FAX Number	<u>PHILCOATES4@AOL.COM</u> E-Mail Address

OCT 2 2015

\$400

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

-----X
EDDIE M. WILLIAMS

220 E. Mermaid Lane, Unit T-201
Philadelphia, PA 19118

Plaintiff

v.

**CVS CAREMARK CORPORATION,
PENNSYLVANIA CVS PHARMACY,
L. L. C.**, doing business locally at
1046 Market Street
Philadelphia, PA 19107

and

MARK STEPHANY, Individually and in
his Professional capacity as Assistant
Manager of CVS Pharmacy, Store
#2866, having a principal place of
employment at
CVS Pharmacy Store
1046 Market Street
Philadelphia, PA 19107

and

BEVERLY EICHMULLER, Individually
and in her Professional capacity as
Assistant Manager of CVS Pharmacy,
Store #2866, having a principal place
of employment at
CVS Pharmacy Store
1046 Market Street
Philadelphia, PA 19107

and

JOHN MACNAIR, Individually and in
his Professional capacity as Manager
of CVS Pharmacy, Store #2866,

15

5773

Civil Action No.: _____

having a principal place of :
employment at :
CVS Pharmacy Store :
1046 Market Street :
Philadelphia, PA 19107 :
Defendants :
-----X

COMPLAINT

The Plaintiff , EDDIE M. WILLIAMS, by and through his attorney, Patricia S. Coates, Esquire, claims of Defendants, individually and/or jointly, damages in excess of One Hundred Fifty Thousand Dollars (\$150,000.00) upon causes of action whereof the following is a statement:

JURISDICTION AND VENUE

1. Plaintiff brings this action under the laws of the United States of America, in particular 42 U. S. C. §1981 and §1988. This Court's Jurisdiction is invoked pursuant to 28 U.S.C. §1331 and §1343.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) inasmuch as Plaintiffs' causes of action arose in the Eastern District of Pennsylvania, and all the Defendants are found in the Eastern District of Pennsylvania.

NATURE OF THE ACTION AND RELIEF SOUGHT

3. This is a civil rights case alleging race discrimination, more specifically the impairment of the Plaintiff's employment and livelihood on the basis of his race.
4. Plaintiff seeks compensatory and punitive damages against the defendants, individually and/or jointly.

THE PARTIES

5. The Plaintiff is Eddie M. Williams, an adult Black male and citizen of the United States who resides at 220 E. Mermaid Lane, Unit T-201, Philadelphia, Pennsylvania 19118.
6. A Defendant is CVS CAREMARK CORPORATION, PENNSYLVANIA CVS PHARMACY, L. L. C., (hereinafter "CVS") a Delaware Corporation having corporate headquarters at One CVS Drive, Woonsocket, Rhode Island 02895, but doing business in this Eastern District through its Pennsylvania subsidiary, Pennsylvania CVS Pharmacy, L. L. C. and CVS Pharmacy Store #2866 located at 1046 Market Street in the city and county of Philadelphia, Commonwealth of Pennsylvania, 19107.
7. At all times relevant hereto, Defendant CVS acted or failed to act by and through its employees, agents, workmen and Supervisors, including its Supervisory Employees, Mark Stephany and John McNair, whose acts and failures to act were the acts and failures to act of Defendant CVS. Defendant CVS is vicariously, directly and strictly liable for the acts and failures to act of its Supervisory employees, Mark Stephany and John McNair.
8. A Defendant is MARK STEPHANY, an adult Caucasian male who, at all times relevant hereto, worked for Defendant CVS in a supervisory capacity as Assistant Manager of Defendant CVS' store at 1046 Market Street, Philadelphia, Pennsylvania 19107. As Assistant Manager of said store, Defendant Stephany was a high ranking supervisor at that location and was responsible, and did, implement Defendant CVS' official workplace policies.

9. A Defendant is BEVERLY EICHMULLER, an adult Black female who, at all times relevant hereto, worked for Defendant CVS in a supervisory capacity as Assistant Manager of Defendant CVS' store at 1046 Market Street, Philadelphia, Pennsylvania 19107. As Assistant Manager of said store, Defendant Eichmuller was a high ranking supervisor at that location and was responsible, and did, implement Defendant CVS' official workplace policies.
10. A Defendant is JOHN McNAIR, an adult Caucasian male who, at all times relevant hereto, worked for Defendant CVS in a supervisory capacity as Manager of Defendant CVS' store at 1046 Market Street, Philadelphia, Pennsylvania 19107. As Manager of said store, Defendant McNair was the highest ranking supervisor at that location and was responsible, and did, implement Defendant CVS' official workplace policies.
11. At all times relevant hereto, Defendants Stephany, Eichmuller and McNair acted intentionally, deliberately, maliciously and with willful disregard for the Plaintiff's rights to be free from race discrimination.
12. At all times material hereto, Defendants Stephany, Eichmuller and McNair acted, in furtherance of their own interests, but also in the course and scope of their employment and supervisory duties as Assistant Managers and Manager for and on behalf of and/or under the management, control and/or direction of Defendant CVS, and in furtherance of its business purposes.
13. Defendants Stephany, Eichmuller and McNair are being sued as individuals and in their professional capacities.

BACKGROUND ALLEGATIONS

14. The word “nigger” is a pejorative, derogatory, insulting, offensive, vulgar and hurtful ethnic slur designed and used to insult and degrade others on the basis of race, ethnicity, skin color or nationality, and is especially repulsive, heinous and offensive when leveled at African American, Black or dark-complected people.
15. One of the most offensive, vile and wretched words in the English language, the word is so execrable that many people find it ineffable and refer to it as “the N-word”.
16. At all times relevant hereto, Defendants Stephany, Eichenmuller and McNair, and therefore Defendant CVS, knew and understood the word “nigger” to be a pejorative, derogatory, insulting, offensive, vulgar and hurtful ethnic slur designed and used to insult and degrade others on the basis of race, ethnicity, skin color or nationality, and knew and understood that it would be especially repulsive, heinous and offensive if and when leveled at the Plaintiff, a Black or African American person.

THE CONTRACTUAL RELATIONSHIP

17. The Foster Grant Company (FGX, International) manufactures and sells eyewear, and markets its products through Defendant CVS’ stores.
18. Defendant CVS and Foster Grant have a contractual relationship (hereinafter CVS-Foster Grant contract”) pursuant to which Foster Grant employees visit Defendant CVS Stores to service eyeglass display cases and other Foster Grant products.
19. Plaintiff Williams was, at all times relevant hereto, employed by the Foster Grant

Company and, as required and encouraged by the terms of the CVS-Foster Grant contract, visited Defendant CVS stores to service eyeglass display cases and other Foster Grant products.

20. Thus, and as part of and pursuant to the CVS-Foster Grant contract, Plaintiff Williams earned his living servicing Foster Grant eyeglass displays at Defendant CVS stores.

21. Thus, an implied agreement, a simple social contract, existed between Defendant CVS and Plaintiff Williams that Defendant CVS would not discriminate against the Plaintiff on the basis of his race and would allow him into Defendant CVS' stores to pursue his livelihood of servicing Foster Grant eyeglass displays.

OPERATIVE ALLEGATIONS

22. On or about March 25, 2015, Plaintiff Williams visited Defendant CVS' store #2866 located at 1042 Market Street in Philadelphia, Pennsylvania for the purpose of servicing the Foster Grant eyeglass displays.

23. Upon arriving, the Plaintiff was directed by an unidentified CVS employee that his boxes of Foster Grant eyeglasses and other products were in the rear of the store, whereupon he proceeded to the rear of the store to retrieve boxes of Foster Grant materials and products.

24. When Plaintiff Williams reached the back of the store, he met Defendant Mark Stephany, who told him that his boxes were in the front of the store.

25. Plaintiff Williams thanked Defendant Stephany for the information, but told him that another employee said that the boxes were in the rear of the store.

26. At this time, Defendant Stephany became visibly annoyed and, speaking in a rude, insulting and offensive manner, rudely asked "What, what?"
27. Taken aback by Defendant Stephan's tone, Plaintiff Williams admonished Defendant Stephany, demanded that Defendant Stephany not talk to him in that tone of voice, since he had been doing nothing more than thanking him, and remarked that in a business setting people should speak more professionally.
28. Defendant Stephany then responded angrily saying "well that's the way I talk", to which the Plaintiff further responded "well, that isn't the way I talk" and walked away to retrieve the Foster Grant boxes for which he had come.
29. As Plaintiff Williams walked away, however, Defendant Stephany disparaged Plaintiff to another employee as a "fucking nigger!"
30. Upon hearing himself called a "fucking nigger", Plaintiff Williams was shocked, shaken, outraged, offended and hurt to such an extent that he was impaired and impeded in his ability to complete his work assignment and objective.
31. Plaintiff understood that word to be one of the most offensive words in the English language, and further understood that Defendant Stephany referenced him as a "fucking nigger" for no other reason than that he was Black or African American.
32. Upon hearing himself so vilified, upon hearing such a despicable word, the Plaintiff said to Defendant Stephany "I heard exactly what you said", whereupon Defendant Stephany exited the rear area of the store.
33. Plaintiff Williams then sought out Defendant Beverly Eichmuller and related to her what had happened and, as he did so, Defendant McNair came over to hear

what had happened.

34. Plaintiff Williams then related to both Defendants Eichmuller and McNair what had happened, and told them of the vile and reprehensible epithet
35. Plaintiff Williams asked Defendant McNair if they could discuss the matter in his office or in another more private location so that he could make a formal complaint against Defendant Stephany, but Defendant McNair refused go to a private location to discuss what had happened or to allow Plaintiff Williams to file a formal, written complaint, or even to discuss the matter at all.
36. Instead of discussing the matter in private, or allowing Plaintiff Williams to file a formal, written complaint against Defendant Stephany, Defendant McNair retaliated against the Plaintiff for leveling the oral complaint by suggesting smirkingly that perhaps it might have been the music playing in the store that the Plaintiff heard.
37. Defendant McNair also refused to summon Defendant Stephany to learn why he made such a remark or otherwise to admonish him for making it.
38. Similarly, Defendant Eichmuller refused to speak to Defendant Stephany about the use of such vile and reprehensible epithets.
39. Defendant McNair further retaliated against the Plaintiff by taking the Plaintiff's belongings, throwing them on the floor, and demanding that he leave the store.
40. In further retaliation against the Plaintiff for complaining about Defendant Stephany's actions, Defendant Eichmuller then escorted the Plaintiff from the store.
41. In ejecting the Plaintiff from the store, Defendants McNair and Eichmuller, and

therefore Defendant CVS, impeded Plaintiff Williams from servicing the Foster Grant eyeglass display and impaired him in the performance of his job.

42. In refusing to discuss with the Plaintiff what had happened or allowing him to file a formal, written complaint, and in smirkingly suggesting that the Plaintiff might have heard music, and in further ejecting Plaintiff Williams from the store, Defendants McNair and Eichmuller, and therefore Defendant CVS, thereby affirmed, supported, acquiesced in, ratified, adopted, condoned and approved the use of such racist disparagements by Defendant Stephany and other CVS' employees, and established official CVS corporate policy regarding race discrimination.
43. In refusing to discuss with the Plaintiff what had happened or allowing him to file a formal, written complaint, and in smirkingly suggesting that the Plaintiff might have heard music, and in finally ejecting Plaintiff Williams from the store, Defendants McNair and Eichmuller, and therefore Defendant CVS, established and evidenced the official CVS policy, practice and custom of affirming, supporting, acquiescing in, ratifying, adopting, condoning and approving the use of such racist disparagements by Defendant Stephany and other CVS' employees, and in race discrimination generally.
44. In refusing to discuss with the Plaintiff what had happened, and in smirkingly suggesting that the Plaintiff might have heard music, and in ejecting Plaintiff Williams from the store, Defendants McNair and Eichmuller, and therefore Defendant CVS, denied the Plaintiff the ability to pursue his livelihood as is enjoyed by white citizens.

45. The shocking and discriminatory conduct to which the Plaintiff was subjected by Defendants Stephany, Eichmuller and McNair, individually and jointly, is unacceptable in any place of business, and a civilized society cannot tolerate such conduct.
46. As a direct and proximate result of the above-described acts and failures to act, Plaintiff Williams suffered extreme embarrassment, humiliation, insult, mental stress, psychological pain and anguish, and was generally sick to his stomach.
47. As a further direct and proximate result of the above-described acts and failures to act, the Plaintiff has been unable to sleep and has lost enjoyment of life.

FEDERAL CLAIMS

COUNT I:

**PLAINTIFF V. DEFENDANTS CVS CAREMARK CORPORATION, PENNSYLVANIA
CVS PHARMACY, L. L. C., MARK STEPHANY, BEVERLY EICHMULLER AND
JOHN McNAIR, Individually and/or jointly.
Violation of 42 U. S. C. §1981 (Discrimination)**

48. The Allegations contained in all preceding paragraphs are incorporated here as if set forth fully and here reiterated in their entirety.
49. 42 U. S. C. §1981, as amended by the Civil Rights Act of 1991, mandates that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts,.... as is enjoyed by white citizens,....
50. Upon information and belief, Defendant CVS did not prevent white vendors from servicing their displays in CVS stores or otherwise impair their livelihoods.
51. The acts and failures to act of Defendants Stephany, Eichmuller and McNair,

individually and jointly, were intentional and malicious, and caused the Plaintiff to be deprived of his right to pursue his livelihood, and therefore to enforce his simple social contract, as is enjoyed by white citizens as guaranteed him under 42 U. S. C. §1981.

52. The acts and failures to act of Defendants Stephany, Eichmuller and McNair were proscribed by 42 U. S. C. §1981.
53. Emotional distress damages are recoverable under 42 U.S.C. §1981. Patterson v. McLean Credit Union, 491 U.S. 164, 182 n. 4 (1989).
54. Furthermore, a Plaintiff party may recover punitive damages under this section against a respondent (other than a government, government agency or political subdivision) if the complaining party demonstrates that the respondent engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual. 42 U.S. Code § 1981a(b)(1)
55. The acts and failures to act of Defendants Stephany, Eichmuller and McNair, all of whom worked in a supervisory capacity, were the direct acts and failures to act of Defendant Defendant CVS Caremark Corporation, Pennsylvania CVS Pharmacy, L. L. C., for all of which it is directly, vicariously and strictly liable.

WHEREFORE, the Plaintiff demands judgment against the Defendants, individually and jointly, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), and for all attorney's fees and punitive damages as allowed by 42 U. S. C. §§1981a(b)(1) and 1988.

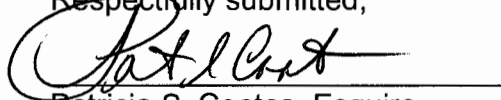
COUNT II:

**PLAINTIFF V. DEFENDANTS CVS CAREMARK CORPORATION, PENNSYLVANIA
CVS PHARMACY, L. L. C., BEVERLY EICHMULLER AND JOHN McNAIR,
Individually and/or jointly.
Violation of 42 U. S. C. §1981 (Retaliation)**

56. The Allegations contained in all preceding paragraphs are incorporated here as if set forth fully and here reiterated in their entirety.
57. 42 U. S. C. §1981 prohibits retaliation against persons who complain of race discrimination. CBOCS West Inc. v. Humphries, 553 U.S. 442, 128 S.Ct. 1951, 170 L.Ed.2d 864 (2008).
58. Plaintiff Williams justifiably and rightfully complained to Defendants Eichmuller and McNair, and therefore to Defendant CVS, of the racist and discriminatory conduct to which he was subjected, but instead of investigating the Plaintiff's complaint, Defendants McNair and Eichmuller threw his belongings to the ground, mocked and smirked at the Plaintiff, and ejected him from the store in which he was trying to work.
59. Plaintiff Williams was treated as described in the preceding paragraph for no other reason than that he complained about being referred to as a "fucking nigger".
60. The acts and failures to act of Defendants Eichmuller and McNair, both of whom worked in a Supervisory capacity, were intentional and malicious, and were the direct acts and failures to act of Defendant CVS Caremark Corporation, Pennsylvania CVS Pharmacy, L. L. C., for all of which it is directly, vicariously and strictly liable.

WHEREFORE, the Plaintiff demands judgment against Defendants CVS Caremark Corporation, Pennsylvania CVS Pharmacy, L. L. C., Eichmuller and McNair, individually and jointly, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), and for all attorney's fees and punitive damages as allowed by 42 U. S. C. §§1981a(b)(1) and 1988.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Pat Coates", is written over a horizontal line.

Patricia S. Coates, Esquire
Attorney for Plaintiff Eddie M. Williams

VERIFICATION

I, Eddie M. Williams, do hereby swear pursuant to the provisions of 18 Pa. S. C. A. relating to unsworn falsification to authorities, that I have read and understood the allegations in the within-captioned Complaint, and that the same are true and correct to the best of my belief and understanding.

By:

Date: October 13, 2015

Eddie M. Williams
Eddie M. Williams